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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

BY HAND

The Hon. Magalie Salas  
Secretary  
Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

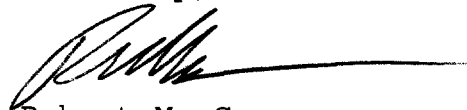
Re: *In the Matter of Telephone Number  
Portability, CC Dkt. No. 95-116*

Dear Secretary Salas:

Enclosed please find an original and four copies  
of the Reply Comments of Southwestern Bell Mobile  
Systems in the above-referenced proceeding.

Please do not hesitate to contact me if you have  
any questions.

Sincerely,



Robert M. Cooper

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JAN 26 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

In the Matter of )

Telephone Number Portability )

) CC Docket No. 95-116

**REPLY COMMENTS OF SOUTHWESTERN BELL MOBILE SYSTEMS,  
INC., AND PACIFIC BELL MOBILE SERVICES**

Southwestern Bell Mobile Systems, Inc. and Pacific Bell Mobile Services (collectively "SBMS") files these reply comments in further support of the Cellular Telecommunications Industry Association's (CTIA) Petition for Waiver of the June 30, 1999 wireless number portability deadline. The overwhelming support of the wireless industry for the waiver indicates a recognition not only of the challenges associated with implementing number portability but of the added complexity of revamping the nationwide roaming processes which is also required.<sup>1</sup> The waiver is supported by new PCS entrants such as Sprint PCS and PrimeCo, companies with dual PCS and cellular interests such as AT&T Wireless and SBMS and companies with cellular interests such as Airtouch and U.S. Cellular.

The only wireless company filing who does not fully support the granting of the waiver is Omnipoint.<sup>2</sup> Omnipoint states that its use of the GSM standard will allow it to meet the number portability requirements and that it intends to meet the current deadline.<sup>3</sup>

<sup>1</sup> Comments of Airtouch Communications, Inc.; Comments of AT&T Wireless, Inc.; Comments of BellSouth; Comments of GTE Service Corporation; Comments of Mobex Communications, Inc.; Comments of Sprint Spectrum L.P. d/b/a Sprint PCS; Comments of 360 Communications Company; Comments of United States Cellular Corporation; Comments of PrimeCo Personal Communications, L.P.; Comments of the Rural Telecommunications Group; Comments of Southern Company.

<sup>2</sup> Comments of Omnipoint Communications, Inc., pp. 2-3.

<sup>3</sup> Id. at pp. 1-2.

Omnipoint while not supporting the petition for waiver, however, does not take issue with the technical impediments discussed in the CTIA petition.

Comments by non-wireless interests were focused on concerns as to the effect of the waiver on number administration processes, on recovery of the cost of number portability and the precedential effect the waiver might have on future requests. The various concerns should not preclude the Bureau from exercising its delegated authority and granting the nine-month waiver.

**1. Omnipoint's Concern that the Grant of the Waiver May Affect Its Ability to Provide Number Portability Is Unwarranted.**

While Omnipoint notes that its use of the GSM standard will allow it to meet local number portability standards, Omnipoint does not address the roaming issue and thus seemingly will not be relying on the seamless automatic roaming processes currently relied on by both cellular and various PCS providers. Seamless automatic roaming as it exists today relies heavily on the NPA/NXX block being assigned to a single wireless carrier.<sup>4</sup> The continued support of nationwide automatic roaming system was deemed critical by the Commission when considering the implementation of wireless number portability.<sup>5</sup>

Thus, Omnipoint's position is not that the petition should be denied but rather that its granting should not affect those carriers who wish to implement number portability prior to the resolution and implementation of changes to ensure automatic seamless

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<sup>4</sup> See, Comments of Southwestern Bell Mobile Systems, Inc. And Pacific Bell Mobile Services, pp. 1-3 and cites contained therein (filed January 9, 1997).

<sup>5</sup> In the Matter of Telephone Number Portability, CC Docket 95-116, *First Report and Order and Further Notice of Proposed Rulemaking*, para. 164 (Released July 2, 1996). ("Number Portability First Report and Order")

roaming. Omnipoint states that the inability of a carrier or segment of the industry not being able to meet the deadline should not result in "GSM carriers being unable to reap the benefits of open competition with wireline carriers".<sup>6</sup> Omnipoint's concern is that if the Bureau waives or stays the wireless number portability implementation schedules, "it must ensure that wireline carriers meet their number portability obligations and continue to allow porting to and from CMRS carriers under the current implementation schedule".<sup>7</sup>

It should also be noted that Omnipoint's view that the number portability deadline can be met by providers using GSM is not universally shared by those using the GSM technology. SBMS is also using the GSM technology in its Pacific Bell Mobile Services PCS markets. SBMS and other PCS providers, however, plan to offer dual-mode phones using existing automatic roaming technology and processes. Thus, SBMS' GSM markets are affected by the work associated with the splitting of the MIN/MDN as it relates to the roaming process. Local number portability will require a rework of the GSM 1900/AMPS dual mode specifications to assure that seamless automatic roaming is available. Further, work is still taking place to develop standards to support various PCS features such as Short Message Service, which are part of the GSM specifications with development of the solution and implementation to follow. Given the development and implementation work it is difficult to believe that a solution will be implemented in time for the June 30, 1999 deadline. Thus, while Omnipoint claims that GSM can support number portability, such support appears to be only for the voice paths.

While, Omnipoint's view that the number portability deadline can be met by providers using GSM is not universally shared by those using GSM, the granting of the

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<sup>6</sup> Omnipoint, p. 5.

waiver as requested by CTIA would not prohibit a carrier such as Omnipoint from going forward with its implementation of number portability.<sup>8</sup>

## **2. Wireless Number Portability is Not a Prerequisite for Implementing Number Pooling.**

MCI, Worldcom, and the Association for Local Telecommunications Services (ALTS) each raised a concern that the granting of the waiver for wireless number portability might also delay the implementation of number pooling. Wireless number portability is not a prerequisite for wireline number pooling nor does the inability of wireless carriers to participate in number pooling necessarily have a negative effect on number on number administration.

Traditionally, telephone numbers have been assigned in full NXX blocks of 10,000 numbers. Under the most common number pooling proposals, an NXX block would be assigned to a particular rate center and multiple service providers in that rate center would share the NXX by receiving numbers in 1,000 blocks. Local number portability is a prerequisite for implementing such pooling, however the absence of wireless number portability does not preclude the implementation of number pooling for wireline carriers. What is important is that wireless carriers can continue to receive numbers in full NXX blocks. The assignment in full NXX blocks however will not have a material negative impact on number administration because of differences in technology.

The use of an NXX assigned to a wireless carrier, unlike landline carriers, is not confined to a rate center boundary. Thus, whereas a new competitive local access

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<sup>7</sup> Omnipoint, p. 6.

provider might want or be required to match the incumbent's rate centers and thus require an NXX in each rate center, a wireless provider just requires numbers and can use its numbers more efficiently because it is not limited by the LEC's rate center boundaries. The wireless carrier projects that it needs X amount of numbers—not some in each rate center. As a result of the inapplicability of rate center boundaries and high growth rate, wireless carriers have traditionally enjoyed a higher utilization rate in their NXXs.

Thus, the fact that the wireless carriers would still be receiving full NXX blocks should not have a negative impact on number administration. While it is still important that full NXX codes be available for assignment, proper number administration and--where necessary--NPA relief should ensure sufficient NXX codes for pooled and unpooled number use.

### **3. Cost Recovery Concerns Can Be Dealt with in the Applicable Dockets.**

Worldcom states that it "is concerned that the wireless industry also seeks to delay payments for LNP costs".<sup>9</sup> Worldcom notes that its concern is not raised by anything which is said in the petition but rather is raised by the fact that the petition "avoids any discussion of the wireless industry bearing its share of LNP costs".<sup>10</sup> Cost recovery is something that will be handled in the appropriate dockets and tariff filings and the granting of the 9 month waiver does nothing to preclude the Commission from taking any action it deems appropriate in such proceedings.

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<sup>8</sup> Number Portability First Report and Order, para. 166. "In individual carriers, of course, may implement number portability, sooner and we expect that some carriers will do so based on individual technical, economical and marketing considerations."

<sup>9</sup> Worldcom, p. 6.

<sup>10</sup> Id.

Wireless carriers are already incurring costs and will continue to incur costs associated with the development of new standards and new protocols, planning, developing and preparing their networks, billing systems and other processes to support local number portability in a seamless roaming environment. In addition, once local number portability is implemented within a wireless service providers area, the provider will incur costs associated with delivering its calls to landline numbers in a LNP environment—i.e. a LRN will be required on appropriate calls. Wireless providers, just like any other service provider, will incur the costs associated with delivering traffic in a LNP environment. Although Omnipoint makes the unsupported wish that LECs not be permitted to charge CMRS carriers for default routing of calls, Omnipoint fails to disclose any basis for such a mandate and SBMS is unaware of any rationale to support such a mandate. The Commission has clearly stated that “if a LEC performs database queries on default routed calls, the LEC may charge the N-1 carrier, pursuant to guidelines the Commission will establish regarding long-term number portability cost allocation and recovery”.<sup>11</sup> Omnipoint’s request for such a mandate should be ignored in this proceeding as being beyond the scope of CTIA’s petition.

#### **4. Concerns About the Effect on Landline Portability and the Precedential Effect of the Granting of the Waiver are Misplaced.**

MCI claims that the granting of the waiver requested “would set a dangerous precedent that is likely to lead to additional waiver requests and delays”.<sup>12</sup> MCI expresses concern that wireline and wireless providers “would be encouraged to file ‘me-too’

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<sup>11</sup> *In the Matter of Telephone Number Portability*, CC Docket 95-116, *Second Report and Order*, para. 78 (Released August 18, 1997). (“Number Portability Second Report and Order”).

<sup>12</sup> MCI, p. 7.

waivers leading to more delay”.<sup>13</sup> MCI’s concern is unwarranted. The wireless industry has made its concerns about the impact of local number portability on seamless roaming since the beginning of this docket.<sup>14</sup> The Commission itself has recognized that the “cellular, broadband PCS and covered SMR providers face technical burdens **unique** to the provision of seamless roaming on their networks, and standards and protocols will need to be developed to overcome these difficulties”.<sup>15</sup> It is difficult to imagine how a wireline provider could expect to be granted a “me-too” waiver based on the CTIA petition. Further, the Commission has the ability to judge each waiver request on the merits based on the facts and issues raised. MCI’s claim that the granting of this waiver will result in a flood of additional requests and “open the door to additional delays and further waiver requests by both wireline and wireless providers” is without merit.

Equally without merit are MCI’s claim that the CTIA petition lacks sufficient information for the Bureau to judge its merits. The affidavit attached to the CTIA petition sets forth the work accomplished to date and the challenges still ahead. In particular, the splitting of the MIN/MDN substantially affects not only the existing local wireless network and the systems that support it but the entire seamless roaming process and the network, billing and administration systems supporting such processes. The affidavit supplied by AT&T Wireless and the comments filed in this proceeding add further support for the waiver.<sup>16</sup> MCI has had limited involvement in the wireless standards processes yet it proposes a list of milestone dates. It is more disruptive than productive to attempt to

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<sup>13</sup> MCI, p. 4.

<sup>14</sup> See, e.g. SBC Comments, CC Docket 95-116, filed September 15, 1995 pp. 6, 15 Appendix F; Comments of Southwestern Bell Mobile Systems, Inc., pp. 13-18, CC Docket 94-54, filed June 14, 1995.

<sup>15</sup> Number Portability First Report and Order, para. 164.

make such “contributions” to standard’s work plans outside of the proper forums. MCI’s suggested milestones are without a factual foundation and should be disregarded.

Similarly without merit is Omnipoint’s concern that the granting of the waiver would somehow “relieve wireline carriers from meeting their number portability obligations”.<sup>17</sup> The CTIA Petition does not request any type of relieve for wireline companies nor did any wireline company file comments claiming that the petition should be interpreted as such. Omnipoint’s attempt to draw wireline carrier obligations into this limited waiver request should be rejected. Omnipoint makes the factually unsupported claim that the industry-wide implementation process “is moving ahead despite the wireline industry’s stalling tactics”.<sup>18</sup> Omnipoint fails to provide any factual basis for its bald claim of “stalling tactics” and such unsupported allegation should be given the same weight as any other factually unsupported allegation--none. Suffice to say however, such claim has no bearing on the granting of the requested waiver. The CTIA petition does not raise the issue of wireline obligations and no one is claiming that it does. If Omnipoint truly feels that a wireline carrier is engaged in stalling techniques rather than attempting to define issues and reach consensus or alternative resolutions it can take the issue up at the appropriate time and in the appropriate forum—this waiver request is not that forum.

## CONCLUSION

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<sup>16</sup> See AT&T Comments, pp. 2-6 and attached Affidavit. See also, GTE Comments pp. 2-7; BellSouth Comments pp. 2-6.

<sup>17</sup> Omnipoint, p. 3.

<sup>18</sup> Omnipoint, p. 3. Omnipoint also claims in a footnote that wireline carriers attempts to stall wireless-wireline integration have been experienced at the Wireless/Wireline Integration Task Force of the North American Numbering Council”. Omnipoint fails to disclose any facts or identify any actions to support its assertion.

For the reasons set forth in the CTIA Petition for Waiver and the comments filed in support thereof, the Bureau should exercise its delegated authority and grant the nine-month extension.

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**CERTIFICATE OF SERVICE**

I, Bruce E. Beard, hereby certify that on this 26<sup>th</sup> day of January, 1998, a copy of the foregoing was mailed by U.S. mail, postage prepaid, or otherwise delivered to the parties listed below.



Bruce E. Beard

Dated: January 26, 1998

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